



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

August 19, 1990

Mr. James T. Herod
Deputy Executive Director
Employees Retirement System of Texas
P.O. Box 13207
Austin, Texas 78711-3207

OR90-410

Dear Mr. Herod:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10203.

The Employees Retirement System of Texas (ERS) received an open records request for copies of the evaluations made of proposals for a computer consulting contract recently awarded by the ERS and for a copy of the winning proposal. This office has previously issued a decision with regard to the evaluation. See Open Records Letter OR90-336 (1990).

We now address whether and to what extent the ERS must release the winning proposal. You requested a decision from this office regarding this information pursuant to section 7(c) of the act, which permits governmental bodies to rely on the legal arguments, if any, of third parties who have a proprietary interest in the requested information. This office notified the firm of Andersen Consulting, whose proposal is at issue, of the open records request and specified the types of legal arguments that must be made in order to demonstrate that any portion of the proposal constitutes trade secrets or confidential financial-commercial information. Andersen Consulting has not carried its burden in this regard and therefore this office has no basis for determining that the requested information comes under the protection of section 3(a)(10); consequently, you must release the proposal in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter

with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-410.

Yours very truly,



Jim Moellinger
Assistant Attorney General
Opinion Committee

JM/RWP/le

Ref.: ID# 10203
OR90-336

Enclosure: Submitted Documents

cc: Warner B. Croft
Andersen Consulting
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